

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE SULLIVAN

Monique Bennett,

Plaintiff,

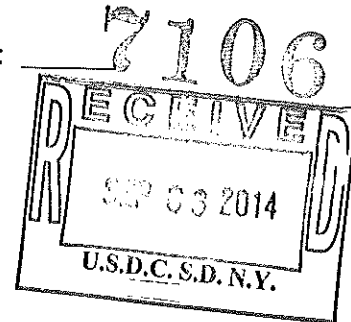
v.

Argosy University of California LLC; and  
DOES 1-10, inclusive,

Defendants.

14 CV  
Civil Action No.:

COMPLAINT



For this Complaint, the Plaintiff, Monique Bennett, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of the Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

4. The Plaintiff, Monique Bennett ("Plaintiff"), is an adult individual residing in Bronx, New York, and is a "person" as defined by 47 U.S.C.A. § 153(39).
5. The Defendant, Argosy University of California LLC ("Argosy"), is a Pennsylvania business entity with an address of 210 Sixth Ave, 33rd Floor, Pittsburgh, Pennsylvania 15222, and is a "person" as defined by 47 U.S.C.A. § 153(39).
6. Does 1-10 (the "Agents") are individual agents employed by Argosy and whose

identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

7. Argosy at all times acted by and through one or more of the Agents.

### **FACTS**

8. In or around May 2014, Argosy began calling Plaintiff's cellular telephone, number 347-XXX-3317, using an automated telephone dialing system ("ATDS") and/or by using an artificial or prerecorded voice.

9. When Plaintiff answered calls from Argosy, she heard a prerecorded message stating that Argosy was calling with information about furthering Plaintiff's education before connecting Plaintiff to a live representative.

10. Plaintiff never provided her cellular telephone number to Argosy and never provided her consent to be called by Argosy.

11. During a conversation, Plaintiff told Argosy that she was not interested in Argosy's educational services and requested that Argosy stop calling her cellular telephone.

12. A representative from Argosy told Plaintiff that they would take Plaintiff's cellular telephone number off of their list; however Argosy continued to call Plaintiff's cellular telephone.

### **COUNT I**

#### **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – 47 U.S.C. § 227, et seq.**

13. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. At all times mentioned herein and within the last four years, Defendants called Plaintiff on her cellular telephone using an automatic telephone dialing system ("ATDS" or

“Predictive Dialer”) and/or by using a prerecorded or artificial voice.

15. Despite Plaintiff directing Defendants to cease all calls to her cellular telephone, Defendants continued to place automatic telephone calls to Plaintiff’s cellular telephone knowing that it lacked consent to call her number. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

16. The telephone number called by Defendants was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

17. The calls from Defendants to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

18. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

19. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff respectfully prays that judgment be awarded in the Plaintiff’s favor and against the Defendants as follows:

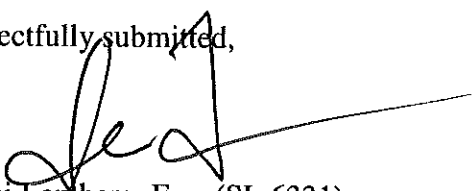
1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and

3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: August 29, 2014

Respectfully submitted,

By   
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